LN

(2)

No. 04-549

Supreme Court, U.S.
FILED
DEC 15 2004
OFFICE OF THE CLERK

In The

Supreme Court of the United States

IN RE EDMUND OROK EDEM,

Petitioner.

On Petition For A Writ Of Certiorari To The United States Court Of Appeals For The Second Circuit

SUPPLEMENTAL BRIEF

EDMUND OROK EDEM
97 Broad Street
Staten Island, NY 10304
(718) 727-3331

LIST OF PARTIES

PARTIES INVOLVED

The State of New York

The Attorney General of the United States

Mrs. Pamela Ise Smith

Mr. Alexander Okon

Mr. Robert Ratanaski

Mr. Stewart Weinstein

TABLE OF CONTENTS

	Page
List of Parties	i
Table of Authorities	iii
Opinions Below	1
History of the Case	1
Federal Law Claims	4
Constitutional Law and International Treaties Claims	6
Fraud Upon the Court	6
Conclusion	9

TABLE OF AUTHORITIES

Page

CASES

Carey v. Piphus, 435 U.S. 247 (1978) 5, 8

Civil Rights Cases, 109 U.S. 3 (1883) 5

Colon v. Coughlin, 58 F. 3d 865 (2d Cir. 1995) 8

Fleming v. New York University, 865 F. 2d 478 (2d Cir. 1989) 7

Gleason v. Jandrucko, 860 F. 2d 556 (2d Cir. 1988) 7

Imber v. Pachtman, 424 U.S. 409 (1976) 8

Kupferman v. Consolidated Research & Mfg. Corp., 459 F. 2d 1072 (2d Cir. 1972) 7

Pangburn v. Culbertson, 200 F. 3d 65 (2d Cir. 1999) 9

Pierson v. Ray, 386 U.S. 547 (1967) 4

Pitchell v. Callan, 13 F. 3d 545 (2d Cir. 1994) 8

Rodriguez v. Welprin, 116 F. 3d 62 (2d Cir. 1997) 7

Scheuer v. Rhodes, 416 U.S. 232 (1974) 4

Screws v. U.S., 325 U.S. 91 (1945) 6

Twinning v. New Jersey, 211 U.S. 78 (1908) 6

United States v. Internat'l Tel. & Corp., 349 F. Supp. 22 (D. Conn. 1972) 7

CONSTITUTIONAL AND STATUTORY PROVISIONS

U.S. Const. Sixth Amendment 6, 7

U.S. Const. Fourteenth Amendment 6, 7

18 U.S.C. § 18. 5

18 U.S.C. § 1001(a) 1, 2, 3. 5

TABLE OF AUTHORITIES – Continued

Page

18 U.S.C. § 1017 5

18 U.S.C. § 2071 5

42 U.S.C. § 1983 8

Federal Rules of Civil Procedure 60(b)(3) 6

N.Y.S. Family Court Act (FCA) § 417 2

N.Y.S. Family Court Act § 439(e) 2

N.Y.S. Family Court Act § 516 6

N.Y.S. Family Court Act § 1113 ..... 3, 6

OTHERS:

Blacks Law Dictionary Fifth Edition (1979) 3

Universal Declaration of Human Rights, Resolution 217A(111) # 8, 9, 108 6

Geneva Convention, Article 3(d) 6

SUPPLEMENTAL BRIEF

PLEASE TAKE NOTICE, that the petitioner Edmund Orok Edem, pursuant to Rule 21 of the Rules of the Supreme Court, hereby moves this Honorable Court to set aside the judgment entered by all the courts of the State of New York, including the Court of Appeals of the State of New York, Mo. No. 02/1291; and to deal with a part of the judgment of the Eastern District of New York 03 CV 1220 (RJD) (LB) dismissing the complaint against the State of New York and Pamela Ise Smith on the basis of the Rooker-Feldman Doctrine.

OPINIONS BELOW

The opinion of the State of New York Court of Appeals was entered on October 15, 2002. A motion for rehearing was denied in February 25, 2003. The decision of the United States District Court, Eastern District of New York was entered on November 9, 2004. They appear in appendices 5 & 6, and are unpublished.

HISTORY OF THE CASE

(a) Petitioner was sued by Mrs. Pamela Ise Smith at the Kings County Family Court p/2539/00, alleging that plaintiff was the father of her child. In her Verified Petition, Mrs. Pamela Smith, swore that she was married at the time of conception of her child. [Appendix 1] She swore under oath that she had not seen her husband in the previous three years and provided an Affidavit of Non Access to support this fact. [Appendix 2] This document was procured for her by Mr.

Alexander Okon. These statements and documents have been found to be false as her tax returns and bank statements within this period proves otherwise. [Appendix 3]

(b) On the strength of the perjurious conduct of Smith and Okon, the State of New York through her judicial officers, Mr. Stewart Weinstein and Robert Ratanaski, then conspired to issue a falsified Order of Filiation [Appendix 4 b], from which an Order of Support was made on the same day, thereby depriving the petitioner of the mandatory 30-35 day window to file an appeal.

(c) The FCA is a *mandatory statute* which requires and not merely permits a course of action. FCA § 417 states: ***A child born of parents who at any time prior or subsequent to the birth of said child shall have entered into a ceremonial marriage shall be deemed the legitimate child of both parents for ALL purposes of this article regardless of the validity of the marriage.*** The State of New York has jettisoned this principle of their own law and held the plaintiff out as the father of the said child.

(d) It is trite that the FCA of the State of New York on which these orders were based provides for the right of appeal. FCA 439(e) states: ***The final order of a hearing examiner after objections and the rebuttal, if any, have been reviewed by a Judge, may be appealed pursuant to article eleven of this act.*** The court of the State of New York had permanently denied the plaintiff the right to appeal based on the same FCA 439(e).

(e) The State of New York conspired with her judicial officers to withhold the Order of Filiation from the plaintiff for fifteen months, contrary to what the FCA § 1113 states: ***An appeal under this article must be taken no later than thirty days after the service by a party or the law guardian upon the appellant of any order from which the appeal is taken, thirty days upon receipt of the order by the appellant in court or thirty days from the mailing of the order to the appellant by the clerk of court, whichever is earliest.***

(f) As if this was not enough, judicial officers Mr. Robert Weinstein and Mr. Robert Ratanaski conspired to remove the caption below, from the Order of Filiation sent to the petitioner. ***All such orders SHALL (emphasis mine) contain the following statement in conspicuous print: "Pursuant to section 1113 of the family court act, an appeal must be taken within thirty days of receipt of the order to the appellant by the clerk of the court, or thirty days after service by a party or law guardian upon the appellant, whichever is earliest."*** [Appendix 4a]

The petitioner has stated that the FCA is a mandatory statute which is characterized by such directions as 'SHALL' and not 'MAY'. The Blacks Law Dictionary Fifth Edition defines a 'mandatory' provision in a statute as one the omission to follow which renders the proceedings to which it relates VOID.

The petitioner therefore contends that the Orders on which he is made to pay money to the State of New York is illegal, ultra vires, null, and void. The petitioner then filed suit in the Eastern District of New York for declarative

and substantive relief. *Edem v. The State of New York et al.*, 03 CV 1220(RJD)(LB). The State of New York filed a motion for dismissal of the suit on the grounds that the Eleventh Amendment absolutely bars the State defendant from lawsuits by her citizens; and the Rooker-Feldman Doctrine. By filing such an action, the State of New York has confirmed in the words of the Honorable Judge Raymond Dearie, that "Plaintiff contends that these defendants conspired to falsify court documents and obstruct justice. He claims that they willfully withheld the Order of Filiation from plaintiff for sixteen months, thus preventing plaintiff from appealing. Plaintiff contends that they eventually issued a falsified version of the order." In considering a Motion to Dismiss such as the one filed by the *State of New York in Edem v. State of New York et al.*, 03 CV 1220(RJD)(LB) a court must assume as true factual allegations in the complaint. *Scheuer v. Rhodes*, 416 U.S. 232, 236 (1974).

In *Pierson v. Ray*, 386 U.S. 547 (1967), this Court had raised this import. "What about the judge who knowingly turns a trial into a 'Kangaroo' court? Or, one who intentionally flouts the Constitution in order to obtain a conviction? Congress, I think, concluded that the evils of allowing intentional deprivations of civil rights to go unredressed far outweighed the speculative inhibiting effects which might attend an inquiry into judicial deprivation of rights."

FEDERAL LAW CLAIMS

1. That Mr. Robert Ratanski and Mr. Stewart Weinstein, conspired during the course of a litigation to falsify

court documents contrary to 18 U.S.C. § 2071; 18 U.S.C. § 1001(a) 1, 2, 3.

2. That the said Mr. Robert Ratanski and Mr. Stewart Weinstein issued a certified and sealed falsified court order to the plaintiff and other courts contrary to 18 U.S.C. § 18.

3. That the said Mr. Robert Ratanski and Mr. Stewart Weinstein imprinted a seal of the Court on a document knowing fully well that the document and its contents contained falsified information contrary to 18 U.S.C. § 1017.

4. That the two judicial officers were in the employment of the State of New York which owes vicarious liability for their actions under the doctrine of *respondeat superior.*

5. That the petitioner brought this suit under a 1983 tort claim to recover damages from the State defendants.[1] That Smith and Okon, though private individuals, have deceptively deployed the coercive powers of the State through perjury to injure the petitioner's civil rights and should be tortiously liable to the petitioner. *Civil Rights Cases*, 109 U.S. 3 (1883).

6. That the plaintiff avers that the State of New York's highest court, refused to correct the criminal wrongdoing of their employees when it was pointed out to them.

---

[1] *Carey v. Piphus*, 435 U.S. 247 (1978)

CONSTITUTIONAL LAW AND INTERNATIONAL TREATIES CLAIMS

1. That these actions of the State defendants have violated the petitioner's Sixth and Fourteenth Amendment due process right under the United States Constitution.

2. That actions of the State defendants is contrary to the Universal Declaration of Human Rights, Resolution 217A(111) # 8, 9, 10, of which the United States is a signatory. Geneva Convention, Article 3(d).

3. International law and western civilization has held that due notice and a reasonable opportunity to be heard to present one's claim or defense are the two fundamental conditions almost universally prescribed in all systems of law. This Court should uphold its own principle. *Twinning v. New Jersey*, 211 U.S. 78, 110 (1908).

4. The State of New York has made intent and has carried out that intention to deprive permanently the petitioner's fundamental and substantial rights, which has been made specific by the express terms of the Constitution or laws of the United States or by decisions interpreting them, by conspiring through her officers to hold back documents, falsify a court record and commit perjury. *Screws v. U.S.*, 325 U.S. 91, 104 (1945).

C. FRAUD UPON THE COURT

Pursuant to Federal Rules of Civil Procedure 60(b)(3) and FCA 516, there are clear and convincing evidence that Mr. Weinstein and Mr. Ratanaski, acting on behalf of the State of New York, withheld a court order from the plaintiff well past the mandatory time of appeal. They also falsified court records, claiming that the child under

dispute was born out of wedlock and removed an essential caption in the Order, which the FCA 1113 states must be CONSPICUOUSLY printed. [Appendix 4a & b]. They conspired to commit fraud. *Fleming v. New York University*, 865 F. 2d 478, 484 (2d Cir. 1989).

This fraud perpetrated by the two judicial officers has seriously affected the integrity of the normal or due process of adjudication. *Gleason v. Jandrucko*, 860 F. 2d 556, 559 (2d Cir. 1988). This fraud perpetrated by these judicial officers affected the machinery of the court and prevented it from acting in an impartial manner. *Kupferman v. Consolidated Research & Mfg. Corp.*, 459 F. 2d 1072, 1078 (2d Cir. 1972). It denied the petitioner a NOTICE to appeal, thereby depriving the petitioner the chance for a pre-deprivation HEARING.

The court has routinely held that only the most egregious misconduct such as bribery of a judge or members of a jury, or the fabrication of evidence by a party in which an attorney is implicated, will constitute a fraud upon the court. *United States v. Internat'l Tel. & Corp.*, 349 F. Supp. 22 (D. Conn. 1972). With utmost respect to this Court, the petitioner contends that what the judicial officers did was egregious conduct, when they conspired to withhold and falsify court documents.

From the forgoing, petitioner alleges that he has been deprived of his constitutional Sixth and Fourteenth Amendment right to property through the seizure of his money by the State, without due process of law. These rights were impugned by the State defendants' judicial officers acting on behalf of the State of New York, under color of state law. *Rodriguez v. Welprin*, 116 F. 3d 62, 65 (2d Cir. 1997)

There was an agreement between Mr. Stewart Weinstein and Mr. Robert Ratanaski to withhold and falsify court orders. They therefore acted in concert to inflict unconstitutional and criminal injuries upon the petitioner. *Pitchell v. Callan*, 13 F. 3d 545, 547 (2d Cir. 1994) It was this unconstitutional act that has now led to the injuries suffered by the petitioner. The State of New York's highest court refused to grant the petitioner his right of appeal and also violated the FCA laws of the States of New York, thereby "creating a policy or custom that sanctioned conduct amounting to a constitutional violation or allowing such a policy to continue and failed to act on information that unconstitutional acts were occurring." *Colon v. Coughlin*, 58 F. 3d 865, 873 (2d Cir. 1995)

The Supreme Court has held that "the right to due process of law is 'absolute' in the sense that it does not depend upon the merits of a claimant's substantive assertions . . . the denial of procedural due process should be actionable for nominal damages without proof of actual injury". *Carey v. Piphus*, 435 U.S. 247(e) (1978.) What happens when the two 'absolutes' that of procedural due process and immunity from suit meets? Where do the Courts stand? The legislative history of Section 1983, has shown that it was intended to 'create a species of tort liability' in favor of persons who are deprived of "rights, privileges, or immunities secured" to them by the Constitution.' *Imber v. Pachtman*, 424 U.S. 409, 417 (1976).

There was tacit agreement between Mr. Weinstein and Mr. Ratanaski to withhold a court order for fifteen months, and to issue a falsified one, hence their dual signature and a seal of the court stating that what was issued to the plaintiff was a true copy of what was in the file as of August 2000. There was therefore an agreement

between these two officers to inflict a constitutional injury on the plaintiff by an overt act of issuing a falsified document in furtherance of the goal of causing damage. *Pangburn v. Culbertson*, 200 F. 3d 65, 72 (2d Cir. 1999).

CONCLUSION

The decisions and actions of the State of New York has deprived the petitioner of his constitutionally guaranteed rights of fair hearing and equal protection under law. The petitioner calls this Court's attention that he is a foreigner and covered by international laws and treaties. The actions and judgments of the lower Courts has conflicted with the decisions of other state courts, federal laws, Constitution and treaties of the United States and has departed from the accepted and usual course of judicial proceedings, and sanctioned such a departure that this Court's supervisory power is hereby invoked.

WHEREFORE, petitioner urges this Court to set aside the judgments of the State Court as it was obtained through fraud, the breaking of federal laws, and the violation of petitioner's constitutional rights as guaranteed by the United States and International laws. This Court should act to save the United States from the opprobrium that would occur when the United States Attorney General tries to register this judgment in a foreign Court.

Respectfully submitted,

Edmund Orok Edem
97 Broad Street
Staten Island, NY 10304
(718) 727-3331

FAMILY COURT OF THE STATE OF NEW YORK
CITY OF NEW YORK
COUNTY OF KINGS

IN THE MATTER OF A PROCEEDING FOR PATERNITY UNDER ARTICLE 5 OF THE FAMILY COURT ACT PAMELA ISE SMITH PETITIONER, AGAINST EDMUND OROK EDEM RESPONDENT.	DOCKET NUMBER P-02539/00 PETITION FOR PATERNITY

TO THE FAMILY COURT:

THE UNDERSIGNED PETITIONER RESPECTFULLY SHOWS THAT:

1. THE PETITIONER RESIDES AT

   49 CROWN ST. APT. 6G
   BROOKLYN NY 11225

   PETITIONER'S SOCIAL SECURITY NUMBER IS 128-78-0323

2. PETITIONER HAD SEXUAL INTERCOURSE WITH THE ABOVE-NAMED RESPONDENT (ON SEVERAL OCCASIONS) COVERING A PERIOD OF TIME BEGINNING ON OR ABOUT FEBRUARY 1, 1997 AND ENDING ON OR ABOUT MAY 31, 1999 AND AS A RESULT THEREOF PETITIONER BECAME PREGNANT.

3. PETITIONER GAVE BIRTH TO ELIZABETH EFFIOM ISE A FEMALE OUT OF WEDLOCK ON FEBRUARY 2, 2000 AT BOLIN, NY AND SAID CHILD RESIDES WITH THE PETITIONER.

4. RESPONDENT IS THE FATHER OF THE CHILD.

5. UPON INFORMATION AND BELIEF RESPONDENT RESIDES AT:

   558 HOWARD AVE. APT. 1
   STATEN ISLAND NY 10301

6. AT THE TIME OF CONCEPTION OF THE CHILD, THE MOTHER WAS MARRIED TO TONY SMITH WHOSE LAST KNOWN ADDRESS IS

   UNK
   BRONX NY 00000

7. THE PETITIONER HAS MADE APPLICATION FOR CHILD SUPPORT ENFORCEMENT SERVICES WITH THE LOCAL ADMINISTRATION FOR CHILDREN'S SERVICES.

FAMILY COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS
283 Adams St., Brooklyn, NY 11201

X

In The Matter Of

Pamela Ise-Smith, Petitioner

-against-

Edmund Orok Edem, Respondent

Tony F. Smith, Co-Respondent

Docket No.: P2539/CI

AFFIDAVIT OF NON-ACCESS

I, (Mr./~~Ms./Mrs.~~) Tony F. Smith ,
Being duly sworn, deposes and says:

I am making this Affidavit in the above-captioned paternity proceeding seeking to name someone else the father of child, Elizabeth Bassey Nyok Effroin-Ise, born on 2/2/2000. During the period of 8/8/94 to 5/4/00, I was the legal husband of Pamela Ise-Smith.

However, during the period of 12/31/98 to 5/4/00, and particularly during the nine months before the subject child, (child's name) Elizabeth Bassey Nyok Effroin-Ise, was born, I had no sexual contact or sexual access to the above-named respondent/petitioner ~~Mr./Mrs./~~Ms. Pamela Ise-Smith.

Further, I am not the father of: (child) Elizabeth Bassey Nyok Effroin-Ise, born on 2/2/2000

SWORN TO BEFORE ME ON THE

4th DAY OF MAY, ~~1999~~ 2000

/s/ Tony Smith
SIGNATURE OF DEPONENT/
CO-RESPONDENT

/s/ Iris Mercado
NOTARY PUBLIC

/s/ Tony Smith
PRINT NAME

IRIS MERADO
NOTARY PUBLIC,
State of New York
No. 01ME6006220
Initialized in
Bronx County /s/ IM

CITIBANK

PO BOX 5870 GRAND CENTRAL STATION
NEW YORK, NY 10163-5870

1999 IRS FORM 1099-INP
OMB 1543-0112

02/05/0495174/001/003

PAMELA ISE-SMITH
TONY F SMITH
49 CROWN STREET APT. 6G
BROOKLYN NY 11225-1822

PAYER'S NAME AND FED. ID NO
CITIBANK, N.A.
13-5266470

STATEMENT OF INTEREST INCOME

YOUR TAXPAYER IDENTIFICATION NUMBER: 128-78-0323

ACCOUNT TITLE	ACCOUNT NUMBER ACCOUNT TYPE ACCOUNT STATUS	1) INTEREST INCOME NOT INCLUDED IN LINE 3	2) EARLY WITHDRAWAL PENALTY	3) INTEREST ON U.S. SAVINGS BONDS AND TREAS. OBLIGATIONS	4) FEDERAL INCOME TAX WITHHELD
PAMELA ISE-SMITH TONY F SMITH	18668076 SAVINGS OPEN	1) 18.10			

* * *

Department of the Treasury – Internal Revenue Service	IRS use only – Do not write or staple in this space
Form 1040 U.S. Individual Income Tax Return 1999	

For the year Jan 1-Dec 31, 1999, or other tax year beginning , 1999, ending ,	OMB No. 1545-0074
Your First Name MI Last Name PAMELA ISE-SMITH	Your Social Security Number 128-78-0323
If a Joint Return, Spouse's First Name MI Last Name	Spouse's Social Security Number 237-33-4131
Home Address (number and street). If you Have a P.O. Box, See Instructions, 49 CROWN STREET Apartment No. 6G	▲ **Important** ▲ You must enter your social security number(s) above.
City, Town or Post Office, If You Have a Foreign Address, See Instructions BROOKLYN State NY Zip Code 11225	

	Yes	No	
▶ Do you want $3 to go to this fund?	X		Note: Checking 'Yes' will not change your tax or reduce your refund.
If a joint return, does your spouse want $3 to go to this fund?			

Filing Status

1 ☐ Single
2 ☐ Married filing joint return (even if only one had income)
3 ☒ Married filing separate return. Enter spouse's SSN above & full name here . . . ▶ TONY F SMITH

* * *

F.C.A. § 542; Art. 5-B

Form 5-7
(Paternity-Order of
Filiation)
12/97

At a term of the Family Court of the State of New York, held in and for the County of
at New York
on , 19

PRESENT:
Hon.
Judge/Hearing Examiner

.....

In the Matter of a Paternity Proceeding

(Commissioner of Social Services, Assignee, on behalf of , Assignor)

Petitioner,

S.S.# (Assignor)

-against-

Respondent.

S.S.#

.....

Docket No.

ORDER OF FILIATION

NOTICE: **IF THIS ORDER WAS ENTERED BY A JUDGE**, THE ORDER MAY BE APPEALED PURSUANT TO SECTION 1113 OF THE FAMILY COURT ACT. THAT SECTION PROVIDES THAT AN APPEAL FROM THAT ORDER MUST BE TAKEN WITHIN 30 DAYS AFTER RECEIPT OF THE ORDER BY APPELLANT IN COURT, 30 DAYS AFTER SERVICE BY A PARTY OR THE LAW

GUARDIAN UPON THE APPELLANT, OR 35 DAYS FROM THE DATE OF MAILING OF THE ORDER TO APPELLANT BY THE CLERK OF THE COURT, WHICHEVER IS EARLIEST.

IF THIS ORDER WAS ENTERED BY A HEARING EXAMINER, SPECIFIC WRITTEN OBJECTIONS TO THIS ORDER MAY BE FILED WITH THIS COURT WITHIN 30 DAYS OF THE DATE THE ORDER WAS RECEIVED IN COURT OR BY PERSONAL SERVICE, OR IF THE ORDER WAS RECEIVED BY MAIL, WITHIN 35 DAYS OF THE MAILING OF THE ORDER.

The above-named Petitioner having filed a petition sworn to , 19 , alleging that is the father of a (male) (female) child named [insert child's name and social security number] , born out of wedlock to on [insert child's date of birth] , 19 , (and that said (mother) (father) and/or child is or is likely to become a public charge); and

* * *

LE 5 FCA

AT A TERM OF THE FAMILY COURT OF THE STATE OF NEW YORK, HELD IN AND FOR THE COUNTY OF KINGS
AT 283 ADAMS STREET
BROOKLYN, NY 11201
ON AUGUST 15, 2000

PRESENT: HON. STEWART H. WEINSTEIN
JUDGE

IN THE MATTER OF A PROCEEDING FOR PATERNITY UNDER ARTICLE 5 OF THE FAMILY COURT ACT	DOCKET NUMBER
PAMELA ISE SMITH	P-02539/00
PETITIONER,	ORDER OF FILIATION
AGAINST	
EDMUND OROK EDEM	
RESPONDENT.	
SSN #	

A VERIFIED PETITION HAVING BEEN FILED IN THIS COURT ON APRIL 5, 2000 BY PAMELA ISE SMITH ALLEGING THAT EDMUND OROK EDEM IS THE FATHER OF A FEMALE CHILD NAMED ELIZABETH EFFIOM ISE BORN OUT OF WEDLOCK TO PAMELA ISE SMITH ON FEBRUARY 2, 2000; AND

EDMUND OROK EDEM HAVING APPEARED BEFORE THIS COURT TO ANSWER THE PETITION,

HAVING BEEN ADVISED BY THE COURT OF THE RIGHT TO COUNSEL, AND TO SHOW WHY A DECLARATION OF PATERNITY, ORDER OF SUPPORT AND OTHER RELIEF PRAYED FOR IN THE PETITION SHOULD NOT BE GRANTED; AND EDMUND OROK EDEM HAVING DENIED THE ALLEGATIONS OF THE PETITION; AND

THE ISSUES HAVING DULY COME ON TO BE HEARD BEFORE THIS COURT;

NOW, AFTER EXAMINATION AND INQUIRY INTO THE FACTS AND CIRCUMSTANCES OF THE CASE AND AFTER HEARING THE PROOFS AND TESTIMONY OFFERED IN RELATION THERETO; IT IS

ADJUDGED AND DECLARED THAT EDMUND OROK EDEM IS THE FATHER OF ELIZABETH EFFIOM ISE.

DATED: NOV 08 2000

ENTER:

/s/ Stewart H. Weinstein
STEWART H. WEINSTEIN
JUDGE

State of New York,
Court of Appeals

At a session of the Court, held at Court of Appeals Hall in the City of Albany on the fifteenth ***day of*** October 2002

Present, HON. JUDITH S. KAYE,
Chief Judge, presiding.

2-13 Mo. No. 949
In the Matter of Pamela Ise-Smith,

Respondent,

v

Edmund Orok Edem,

Appellant.

A motion for leave to appeal to the Court of Appeals in the above cause having heretofore been made upon the part of the appellant herein and papers having been submitted thereon and due deliberation having been thereupon had, it is

ORDERED, that the said motion be and the same hereby is dismissed upon the ground that the order sought to be appealed from does not finally determine the proceeding within the meaning of the constitution.

/s/ Stuart M. Cohen
Stuart M. Cohen
Clerk of the Court

State of New York,
Court of Appeals

At a session of the Court, held at Court of Appeals Hall in the City of Albany on the twenty-fifth ***day of*** February 2003

Present, HON. JUDITH S. KAYE,
Chief Judge, presiding.

Mo. No. 1291
In the Matter of Pamela Ise-Smith,

Respondent,

v

Edmund Orok-Edem,

Appellant.

A motion for reargument and/or clarification to the Court of Appeals in the above cause having been heretofore made upon the part of appellant herein and papers having been submitted thereon and due deliberation having been thereupon had, it is

ORDERED, that the said motion be and the same hereby is denied.

/s/ Stuart M. Cohen
Stuart M. Cohen
Clerk of the Court

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

---------- X

EDMUND OROK EDEM,

Plaintiff,

-against-

THE STATE OF NEW YORK and PAMELA ISE SMITH,

Defendants.

---------- X

JUDGMENT
03-CV-1220 (RJD)

(Filed Nov. 9, 2004)

A Memorandum and Order of Honorable Raymond J. Dearie, United States District Judge, having been filed on November 3, 2004, adopting the Report and Recommendation of Magistrate Judge Lois Bloom, dated September 15, 2004, granting the State's motion to dismiss; denying plaintiff's motion for default judgment against defendant Smith; dismissing the claims against her; denying plaintiff's request to add the individual defendants; denying plaintiff's motion asking that the Second Circuit reconsider the case; and denying plaintiff's motion for sanctions; it is

ORDERED and ADJUDGED that plaintiff take nothing of the defendants; that the Report and Recommendation of Magistrate Judge Lois Bloom is adopted; that the State's motion to dismiss is granted; that plaintiff's motion for default judgment against defendant Smith is denied; that the claims against her are dismissed; that plaintiff's request to add the individual defendants is denied; that plaintiff's motion asking that the Second

Circuit reconsider the case is denied; and that plaintiff's motion for sanctions is denied.

Dated: Brooklyn, New York
November 04, 2004

/s/ Robert C. Heinemann
ROBERT C. HEINEMANN
Clerk of Court